

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIKERRAY MIDDLEBROOK,)	
)	
Petitioner,)	
)	
v.)	Civ. No. 05-827-SLR
)	
THOMAS L. CARROLL,)	
Warden, and CARL C.)	
DANBERG, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondent.)	

O R D E R

At Wilmington this 21st day of September, 2006;


IT IS ORDERED that:

1. Petitioner Nikerray Middlebrook's Motion For Expansion Of Record to include the exhibits attached to his motion as well as the appendix filed separately, is GRANTED.¹ (D.I. 18); see (D.I. 19, Appendix); Rule 7 of the Rules Governing Section 2254 Actions, 28 U.S.C. foll. § 2254.

2. Petitioner Nikerray Middlebrook's Motion For an Evidentiary Hearing is DENIED. (D.I. 18.); see Rule 8 of the Rules Governing Section 2254 Actions, 28 U.S.C. foll. § 2254. Petitioner has failed to indicate any evidence other than that

¹Although several exhibits filed by petitioner were already included in the record provided by the State, petitioner does provide several documents not included in the record which may aid the court in reviewing the issues.

already contained in the expanded record that would help advance his claims. See 28 U.S.C. § 2254(e); Campbell v. Vaughn, 209 F.3d 280, 286-87 (3d Cir. 2001) (in exercising its discretion, a court should focus "on whether a new evidentiary hearing would be meaningful, in that a new hearing would have the potential to advance the petitioner's claim.")


UNITED STATES DISTRICT JUDGE